

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

REC'D 19 APR 2005
WIPO PCT

To:

Fisher Adams Kelly
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	14 APR 2005
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FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference

12897PC2

International application No.
PCT/AU2005/000107

International filing date (day/month/year)
28 January 2005

Priority date (day/month/year)
28 January 2004

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ A61M 5/50, 5/315

Applicant

UNITRACT SYRINGE PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer SWAYAM CHINTAMANI Telephone No. (02) 6283 2202
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2005/000107

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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PCT/AU2005/000107

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 3, 6, 9, 13, 15-19	YES
	Claims 1, 2, 4, 5, 7, 8, 10-12, 14	NO
Inventive step (IS)	Claims	YES
	Claims 1-19	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims	NO

2. Citations and explanations:

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 US 5211628 A
D2 AU 39180/89 A
D3 GB 2341804 A

Novelty (N)

Claims 1, 2, 4, 5, 7, 8, 10-12, 14 do not meet the criteria set forth in PCT Article for novelty when compared to the documents D1 – D3.

D1 discloses all the features of claims 1, 4, 5, 7, 10-12 and 14. For example, see figures 1-5 in which item 43 (lower wall) provides the first plunger and item 61 provides the second plunger. Item 62 provides the means for engaging the needle mount. Item 34 provides the collar.

D2 discloses all the features of 1, 2, 4, 7, 8, 10 and 14.

D3 discloses the features of 1, 4, 7 and 10.

The features of claims 3, 6, 9, 13 and 15-19 are not disclosed in the prior art identified above, hence the subject matter of these claims meets the requirements of Article 33(2) PCT with regard to the requirement for novelty.

Inventive Step (IS)

Claims 1, 2, 4, 5, 7, 8, 10-12, 14 are not inventive for the reasons given above. However, the features defined in claims 3, 6, 9, 13 and 15-19 are related to parameters or structures which can be arrived at by the application of normal design procedures when the general technical knowledge about the state of the art is used and hence do not contribute to patentable invention.